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FREQUENTLY ASKED QUESTION – RECORDING

1. HOW DO I ADD OR REMOVE SOMEONE FROM MY PROPERTY TITLE?

(1)A new deed will have to be completed, showing the change you are making to property title. You can download blank deed forms from the Chicago Title Insurance Company website at www.wi.ctic.com – click on Document Library to find downloadable documents. You will have to complete this form and have your signature/signatures notarized.

(2)At the time of recording, the deed must be accompanied by a receipt from the Wisconsin Real Estate Transfer Return; per Wisconsin Statutes 59.43, 706 and 77.21. To fill out the Wisconsin Real Estate Transfer Form you go the Department of Revenue website www.revenue.wi.gov/retr/index.html . You can find and print out the instruction under Online Services for eRETR. You can find helpful videos for filling out the form under Resources – Helpful Videos-choose Governments. If you have questions when filling out this online form you can find “Contact Us” choose Submit a Question, at the bottom, left hand side of the page.

THE STAFF IN THE REGISTER OF DEEDS WILL BE HAPPY TO ANSWER YOUR QUESTIONS, BUT THEY CAN NOT INSTRUCT YOU ON HOW TO PREPARE LEGAL DOCUMENTS NOR CAN THEY GIVE YOU LEGAL ADVICE. IF YOU NEED ADVICE OR INSTRUCTIONS ON HOW TO PREPARE A LEGAL DOCUMENT YOU SHOULD CONTACT AN ATTORNEY OR TITLE COMPANY.

2. MY SPOUSE PASSED AWAY, HOW DO I REMOVE HIM/HER FROM OUR PROPERTY?

We have a form and instructions in our office called the Application for the Termination of Decedent’s Interest and Confirmation of Applicants Interest in Property (HT-110). This form may be used by a person entitled to receive property of a decedent under sections 867.045(1) and/or 867.046(2) of the Wisconsin Statutes. You can obtain the form and instructions from our office or online at our [Links page](#).

As a part of the application you will have to provide a copy of the current property deed, along with an original death certificate of the party you wish to remove from title. If both parties were not named on the deed to the property you will have to contact the Probate department at 548-7468. We recommend following an attorney’s advice when winding up an estate and transferring property title.

3. AN ERROR WAS MADE ON MY RECORDED DOCUMENT, HOW DO I MAKE A CORRECTION?

(1) We suggest you refer to Wisconsin Statute 706.085 for instructions on how to draft a Correction Instrument. Correction instruments are often filed by the person most familiar with the cause of the error, and who has the best understanding of the proper legal resolution.

(2) Per the Department of Revenue Website – “Any deed, Correction Instrument or Affidavit of Correction presented for recording, requires a transfer return (eRETR) under state law (sec. 77.22(1), Wis. Stats.). A corrective instrument is exempt from a transfer fee under state law (sec. 77.25(3), Wis. Stats.).”

To fill out the Wisconsin Real Estate Transfer Form you go to the Department of Revenue website www.revenue.wi.gov/retr/index.html. You can find and print out the instructions under Online Services for eRETR. You can find helpful videos for filling out the form under Resources – Helpful Videos-choose Governments. If you have questions when filling out this online form you can find “Contact Us” choose Submit a Question, at the bottom, left hand side of the page.

4. I AM STARTING A BUSINESS, WHAT FORM DO I NEED TO FILL OUT AND RECORD IN YOUR OFFICE?

Our office records the Registration of Firm Name, which can be used if your firm is a sole proprietorship, general partnership, or association. This form is required to be put on record if you plan to obtain credit for your business per Wisconsin Statute 134.17. You can obtain the form and instructions from our office, or online at our [Links page](#). Depending upon your circumstances, you may also register your business with the Wisconsin Department of Financial Institutions (608-261-7577). For more information on starting a business you can call 1-800-940-7232 or go online to <https://secure.wisconsinsbdc.org/busanswer>.

5. I HAVE A TRANSFER OF AFFIDAVIT \$50,000 AND UNDER FORM, DOES IT GET RECORDED IN YOUR OFFICE?

If this affidavit describes an interest in or lien on real property (real estate) a certified copy or duplicate original of the affidavit shall be recorded in the office of the Register of Deeds in each county in this state in which the real property is located per 867.03(2m).

If you have questions on this form and it does not involve real estate, you can call the Estate Recovery Program at (608) 264-6756 for a pre-recorded message available 24 hours a day or to speak to a person call (608) 264-7739 between the hours of 8:00 am and 4:00 pm or for general questions about Estate Recovery and/or questions regarding Transfer by Affidavits with real property, call (608) 264-6755.

6. I AM NAMED AS BENEFICIARY ON A TRANSFER ON DEATH DEED AND NOW THE OWNER OF THE PROPERTY HAS PASSED AWAY WHAT DO I HAVE TO DO?

You will now have to fill out the Transfer of Death to Beneficiary Form (TOD-110) and also complete a Wisconsin Electronic Real Estate Transfer Form per Wisconsin Statute 705.15. We have the TOD-110 form and instructions in our office or you can obtain it online at our [Links page](#). You will need to go to

the Department of Revenue Website www.revenue.wi.gov/retr/index.html to complete the Wisconsin Real Estate Transfer Form. We will need the completed TOD-110 form and the Wisconsin Real Estate Transfer Receipt in order to make the change to the property.

7. DOES A DEED HAVE TO BE RECORDED?

A deed should be recorded as promptly after the transaction as possible as it may cause legal difficulties at a later date, however, there is no time limit on recording a deed. This does not pertain to a Transfer on Death Deed as a TOD beneficiary designation is not effective unless the deed on which the designation is made is recorded per statute 705.15(2).

8. WHAT ARE THE REQUIREMENTS FOR CREATING MY OWN DOCUMENT TO RECORD IN THE REGISTER OF DEEDS OFFICE?

You can find information on the Wisconsin Register of Deeds Association website www.wrdaonline.org pertaining to Standard Format Requirements per Wisconsin Statute 59.43(2m). Look under Recording Document/Fees – Standard Document Format – Tutorial.

9. I PAID OFF A FEDERAL TAX LIEN, BUT IT STILL APPEARS ON MY CREDIT REPORT. WHY?

While Federal Income Tax Liens are recorded in the Register of Deeds office, we have no jurisdiction over the lien itself or any release documentation once the lien is satisfied. We cannot record a Release unless one is presented to us for recording.

The IRS changed their procedures several years ago and now consider their liens to be “self-releasing” after a certain number of years. As a result they do not record Release of Lien documents as they did in the past.

It is our observation that credit-reporting agencies generally do not read documents. They only look at the index and may be unaware of the self-releasing feature. However, if you contact the IRS, their staff may prepare a Certificate of Release that you can record, which should clear your credit report. Contact the manager in charge of preparation of Federal Tax Liens at 1-800-913-6050.

Frequently Asked Questions - Title Research

10. HOW DO I OBTAIN A COPY OF MY DEED?

If you purchased your property from 1994 to the present time, you should be able to obtain the copy of your deed on our website for a \$7.00 fee plus the printable copy fee which is based on the number of pages. (\$2.00 for the first page and a \$1.00 for each additional page). To find your deed, look at a copy of your tax bill. The last document recorded will be noted at the end of the legal description. Search on our web site for this document number. Deeds can also be located by legal description.

Please note: Documents, such as deeds, recorded prior to 1994 will not be available on our website.

If you purchased your property before 1994 or if you don't want to use our web site, you may come into the Register of Deeds Office to obtain a copy. All we need is your address or tax key number to identify the correct parcel.

The third option would be to request it by mail, or by calling us at 262-548-7589. We would attempt to give you the record location information along with the charge for a copy (usually \$2). You could then mail us the payment and provide us with a stamped return envelope. As soon as we receive payment, we can mail a copy. We can also fax or email a copy after receiving payment. We do not take credit cards.

11. WHY DID I NOT RECEIVE A COPY OF MY SATISFACTION AND DOES THAT MEAN MY TITLE IS FREE AND CLEAR NOW?

We return documents (satisfactions) to the returnee named on the document. In most cases, the lending institutions have the documents returned to their local or corporate offices. Some documents are now electronically recorded; which means there is no physical copy of the document to return to you. You can call our office to see if your satisfaction has been recorded by the lender. We can provide copies of satisfactions if you follow the copy request procedure outlined for deeds above.

A Satisfaction only releases a specific mortgage that was recorded by a specific lender. It will only release that one mortgage loan amount. A satisfaction is **not** a document that shows title to the property (although in some states it is called a "re-conveyance"). It also does not mean that you are free and clear of all liens on your property. Your property deed shows who holds title, and how they hold title. If you want to know about all liens on your property, a title company will have to do a complete title search of our records; sometimes known as a "title report". However, you can search for yourself...see following.

12. CAN YOU CHECK FOR LIENS ON MY PROPERTY? CAN I SEARCH (TITLE) FOR LIENS MYSELF?

Yes, you can look in our files for items recorded that effect property title. By visiting our office and with the assistance of our staff, we can quickly check for mortgage liens, and federal tax liens dating back to 1994. Prior to that date, the process is more complicated, but often is not required, because most lien activity is more current. There are various liens that may not be filed in the Register of Deeds Office. This would include contractors' liens or (condominium or subdivision) association fees, state tax liens, local special assessments, and unpaid property taxes, etc.; that appear in other public records. Once again, this is the work of a title company. They can do a complete search of all public records to give you a full and complete report of the status of your property title.

13. HOW FAR BACK DO YOUR RECORDS GO ON YOUR WEBSITE?

The records on the website only go back as far as the year **1994**. If you need any lien searches, easements, lake access rights, ownership, or any other type of documentation regarding your property prior to 1994, you need to come into our office to search those records yourself. We will give you some guidance as to how our indexing works, but for the most part, searching is an individual endeavor. This is why we recommend the services of a title company for searches of older records.

Even if the record that you seek was recorded after 1993, it may still be easiest to visit our office. The online indexing system is designed for individuals familiar with the indexing structure of the public land records system. Visiting our office is also the best way to purchase only the copies of the documents that you truly need.

14. Plat of Surveys – What kind of records are on file in the Register of Deeds Office?

Surveyors in Wisconsin are supposed to file copies of their surveying work with the Office of Register of Deeds. In Waukesha County, the survey records submitted to this office have been indexed by legal description; and copies are available to the public for the \$2 per page copy charge. A survey may not be on file with this office for every property in Waukesha County. The surveying community has only recently committed to providing us with a copy of all of their work, so older records may not be available.

Title Policies - We do not have property Title Policies filed in our office. Title Policies are prepared by private title companies. A title policy is the insurance policy issued by a title company that insures the title status of a property as described in the title policy. As a part of the description, all recordings that impact that title will be listed as “exceptions” to title. Most of the exceptions to title will be recorded and located in the records of the Office of Register of Deeds. But in addition, a title policy will include other publicly and private records that might impact property title. See Lien searches above.

Title Reports- A title report is basically the report with a legal description, and a listing of all the exceptions to title that would normally be attached to a title policy; but provides none of the insurance that is important at the time of property transfer. A title report is useful to a current owner who just wishes to see what “exceptions” are on record, against his/her property. What is the difference between title insurance and title reports? The answer is the cost. A title report will cost \$100, or so, and title insurance will cost in excess of \$1,000.

15. Can the register of deeds tell me if I have a good and clear title?

No. The Register of Deeds office is not authorized to render opinions regarding the status of title. Professional title examiners or abstractors use the records in our office as well as searching records in other county offices to determine if the title is good and clear.

Frequently Asked Questions - Title Research

16. HOW DO I GO ABOUT RECEIVING A CERTIFIED COPY OF A BIRTH, DEATH OR MARRIAGE CERTIFICATE?

If the event took place in Waukesha County you can find the applications on our website at www.waukeshacounty.gov under the Register of Deeds tab. You can either come into our office at Waukesha County Register of Deeds - 515 W. Moreland Blvd, Room AC-110 - Waukesha, WI 53188 or make the request by mail. We will accept cash or check for payment, no credit or debit cards. We will need to see a valid Driver's License or State ID.

17. HOW MANY CERTIFIED COPIES WILL I NEED OF MY MARRIAGE CERTIFICATE TO CHANGE MY NAME?

We suggest you purchase 3 to 4 copies of your marriage certificate to change your name. You will first go to the Social Security office and then the DMV to change your name and they will look at the certificate and hand it back to you. You will need a certificate to change your name on a passport, state licenses, insurance and military paperwork.

18. WHERE DO I GO TO APPLY FOR MY MARRIAGE LICENSE?

You will apply for your marriage license at the County Clerk's office in the county where you live and the marriage certificate will be filed at the Register of Deeds Office where the ceremony takes place.

19. WHERE DO I GO TO GET MY DIVORCE DECREE AND WHAT ARE THE COPY FEES?

You will have to contact the Clerk of Courts Family Division at 262-548-7544.

20. WHO CAN APPLY FOR CERTIFIED COPIES?

Certified copies (legal copies) are printed on security paper and have raised seals in the bottom corners. **You can apply for certified copies of your record and that of your spouse/domestic partner, child, grandchild, parent, brother or sister, or your client.**

21. WHO CAN APPLY FOR UNCERTIFIED COPIES?

An uncertified copy of a record is not a legal copy; it is a photocopy that is designed to be used for informational purposes only. Anyone can obtain an uncertified copy of a vital record, provided the record is unprotected. Application methods, fees, and turnaround times are the same as for certified copies.

22. WHY IS IT A FELONY TO MAKE A PHOTOCOPY OF A BIRTH, DEATH, MARRIAGE, OR DOMESTIC PARTNERSHIP CERTIFICATE?

The Attorney General stated in 78 Op. Att'y Gen. 232,233 (1989), "Section 69.24(1)(a) was enacted in apparent response to a substantial increase in the practice of obtaining and using false identification documents by manipulating the existing system. For example, it was easy for a person to procure a photocopy of a birth certificate from a source other than discussed in chapter 69. This certificate, which might be accurate or already altered, could be altered to provide a new identity or other erroneous identifying information..... The Legislature obviously determined that this evil and its consequences could only be prevented by a strict measure which makes copying *per se* a criminal violation unless done under the authority of subchapter I of chapter 69."

23. TIPS FOR OFFICIANTS OF MARRIAGE CEREMONIES

- Use black ink and only black ink.
- Never use liquid white out, white out tape, or typewriter lift-off on an Original Certificate of Marriage.
- Keep your writing within each box.
- Use your best possible handwriting, or an assistant's good handwriting. Genealogists for centuries to come will be grateful! **But please note – officiants must sign the certificate themselves, AFTER the information has been completed!**
- If your handwriting is unclear, you may want to send a letter of "correction" (clarification) along with the Original Certificate of Marriage in order to avoid delaying the groom and bride from obtaining certified copies. See below for a description of a letter of correction.
- Remember to indicate the type of municipality where the marriage took place (section 20b).
- The officiant is responsible for sending the completed Original Certificate of Marriage to the county where the wedding occurred (not the county in which the license was purchased, if different).
- ANY corrections MUST be accompanied by a **letter of correction** on the officiant's letterhead, including the names of the bride and groom, their date of marriage, and a description of the error and how it should be corrected.